

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
JUN 08 2010

KIRK M. DOUGLAS
Plaintiff,

V.

TOWN OF LITTLE ELM, TEXAS,
Defendants.

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CAUSE NO. 4:09CV266

DAVID J. MALAND, CLERK
BY
DEPUTY _____

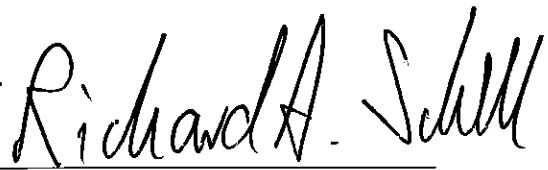
**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On May 7, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants' Second Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) (Dkt. 28) should be GRANTED and the third count of Plaintiff's Second Amended Complaint (Dkt. 25) titled "Count Three - Section 1983 (Free Speech - Discharge)" should be dismissed.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, Defendants' Second Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) (Dkt. 28) is GRANTED, and the third count of Plaintiff's Second Amended Complaint (Dkt. 25) titled "Count Three - Section 1983 (Free Speech - Discharge)" is dismissed.

Plaintiff's other claims against Defendant remain pending at this time..

IT IS SO ORDERED.

SIGNED this 7th day of June, 2010. 

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE